

BACKGROUND DATA

2

GENERAL DESCRIPTION

Location

The Laguna Indian Reservation is located in west-central New Mexico in the valley of the San Jose River. The reservation is located within the counties of Cibola, Valencia, Sandoval and Bernalillo, New Mexico. Laguna is situated approximately 45 miles west of the City of Albuquerque, and 31 miles east of Grants, New Mexico. Interstate 40 (Old Route 66) runs east-west through the reservation from Albuquerque to Gallup, New Mexico and on through Arizona and California. The reservation lands are separated into three areas; two smaller portions of land lie southwest and northeast of the main reservation area. The northeastern section of the reservation is separated from the main reservation area by the Canoncito Navajo Reservation; the southwestern section of the reservation is separated from the main reservation area by the Acoma Reservation. The main reservation area joins with Acoma Pueblo on the west and Isleta Pueblo on the east. There are six separate villages in the main reservation. These villages are: *Mesita, Laguna, Paguete, Encinal, Paraje, and Seama* and are all within a few miles of each other. The remaining lands are open space used for grazing.

Size

The Laguna Indian Reservation lands, three areas, total approximately 460,000 acres, all of which are in tribal trust status.

Land and Development Characteristics

The majority of the reservation (approximately 400,000 acres) is grazing land, with the remaining area in residential, institutional, commercial, mining and other natural resource uses, i.e., fishing and hunting. Reservation population is concentrated in the six villages in housing subdivisions or congruous areas. A commercial development and an elderly housing facility are located in the village of Paraje/Casa Blanca; an industrial center is located in the village Mesita; tribal offices are located in the village of Laguna; gas stations and community stores are located in the villages of Paraje and Laguna.

The 463,000 acres of land within the reservation boundaries are owned communally by the Laguna Pueblo and controlled by an elected Tribal Council. Land assignments are given to individual tribal members. The amount of land given to each member is based on need, i.e., if the land is used for a resident, farming, grazing, etc. Each member is provided with

2-1



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100 sq.ft X 100 sq.ft. of land for their residential unit. Tribal members own their home but not the land. Lease lands are not available within the reservation boundaries.

DEMOGRAPHICS

Population

The BIA reports (January, 1989) that the total tribal enrollment is 7,542 which includes indians living on or adjacent to the reservation. As shown in Table 1-2.

TABLE 1-2
POPULATION AND EMPLOYMENT CHARACTERISTICS
TOTAL ON/NEAR RESERVATION INDIAN POPULATION

Category	Number
Total Indian Population	7,542
Total Under Age 16	2,087
16 - 64	4,909
65 & Over	546
Total Employed	976
Earning \$7,000 or More Annually	761
Earning Less than \$7,000 Annually	215
Unemployed (Seeking Work)	2,322
Unemployment Rate	70%

Source: *Indian Service Population and Labor Force Estimates*
Bureau of Indian Affairs, January 1989

No population projections are available for only on the reservation.

Employment

The unemployment rate for, on or near, the reservation population is 70 percent (January, 1989). Of those employed approximately 22 percent earn less than \$7,000 annually.

Employment on the reservation is provided by tribal government, associated agencies of the tribal government, and/or areas such as, operators, fabricators, and laborers as well as technical, sales, and administrative support occupations, industrial and local area businesses.

The tribe currently has five enterprises: Laguna Industries, Laguna Construction, The Rainbow Center, Commercial Center, and the Laguna Market.

PHYSICAL CHARACTERISTICS

Elevation

The reservation ranges in elevation from a low 5,080 feet in the junction of Rio Puerco and San Jose River to a high of 8,480 feet in the foothills of Mt. Taylor.

Soils

According to New Mexico State University, Agricultural Department, the topography and soil classification for the reservation is "moderately dark-colored soils of the east-central plains" to "moderately dark and dark colored soils of the mountainous region." This area is characterized by "gently undulating to rolling uplands interspersed with relatively smooth valleys and basins." The rate in which water moves through undisturbed and uncompacted soil or "soil permeability" for this area is moderate 0.6 to 2.0 inches per hour. The soil texture is a sandy clay loam. When wet the soil becomes viscous, which makes driving on unimproved roads very difficult.

Climate

In this arid region of New Mexico, rainfall averages almost 10 inches per year. Almost all of the precipitation occurs at periodic times. The average high temperature is 91 degrees in the summer and the average low is 40 degrees in the winter.

Historical/Cultural Sites

Laguna was founded between 1697 and 1699 by people from Acoma, Zuni, Zia, and, Oraibi; also according to tradition, from San Felipe, Sandia and Jemez. The Pueblo of Laguna with Acoma forms the western branch of the Keresan language group. The name *Laguna* is a Spanish translation of the native Keresan word, *Kawaik* (lake), and comes from the fact that a small shallow lake once existed just west of the Pueblo.

The most prominent and beautiful historical and cultural building in Old Laguna is the San Jose Mission, begun in 1699 and completed in 1701. Each village has its own historical buildings, however these sites are not affected by existing roads or proposed improvements. It should be noted however, that any new roads constructed in the future will require archaeological clearances and/or archaeological surveys.

LAND USE/DEVELOPMENT PLANS

Existing Land Base

The tribe has not developed land use maps or zoning regulations for their 463,000 acres. However, a windshield survey of existing land uses on the reservation and conversations with tribal officials indicate that there are eight separate land use categories on the reservation. Map 1 titled "Existing Conditions" illustrates the location and existing types of land uses being utilized on the reservation. The land uses are described below:

- . **Residential** structures, for the most part, are concentrated within the boundaries of the six villages. Housing units are either located within a housing subdivision or scattered throughout the villages. The Rainbow Center in Paraje/Casa Blanca provides residential housing and care for elderly individuals.
- . **Institutional** land use is, for the most part, concentrated in the six villages. The institutional uses include post offices, head start schools, the new middle school, high school, BIA Agency offices, tribal offices, a police station, churches, baseball fields and community centers.
- . **Commercial** land uses are mainly located in the six villages, and include a large commercial center, gas stations, Laguna market, Laguna Industries, and Laguna Construction Company.
- . **Forestry** areas exist in the upper and lower lands of the reservation. Cutting of firewood, Cedar and Pinon, are allowed in these areas with a permit from the police department. Timber cutting is only allowed with a permit from the Tribal Council.
- . **Mining** of uranium once occurred at the Jackpile Mine. The mine is now closed for reclamation. At this time, there is not a scheduled date for reopening.
- . **Grazing** lands, for the most part, are located just outside of the individual villages. Cattle grazing is located in three areas: Sanchez/Sadillo land grant area, Majors land grant area and Montano land grant area. These three areas are located north of the main reservation. Cattle grazing is not allowed on the main reservation.
- . **Hunting** of big game, with the attainment of a tribal permit, is allowed in the Mount Taylor and Jackward area.

- . Fishing is allowed, with attainment of a tribal permit, in Pagate.

Tribal Goals and Objectives

Each year the Tribal Council establishes a priority list identifying goals and objectives for the reservation. The latest tribal goals and objectives, 1991 are: new water and utility systems and increased community and economic development.

Long-Range Plans/Development Plans

Long range development plans for the reservation have not been developed, however, there has been some discussion of the following potential projects:

- . Water Development Plan.
Creating a water development plan for the reservation.
- . Commercial Center.
Expanding the commercial center at Paraje/Casa Blanca.
- . New I-40 Off Ramp.
Installing a ramp off of I-40 which would connect onto BIA Route 503 in Laguna.
- . Encinal Road.
Completion of road improvements currently underway on Encinal Road.
- . Pagate Bridge.
Completion of improvements being made to the Pagate Bridge.
- . Irrigation Systems.
Complete the irrigation systems being at Paraje, New Laguna, and Pagate Dam.

Implementation Measures

At this time, the tribe does not have either zoning or subdivision ordinances.

EXISTING BIA PRACTICES

Capital Improvements

Capital improvements to the public road system are generally funded with Highway Trust Funds that have been allocated by Congress to the Federal Highway Administration and subsequently to the BIA. Once the Albuquerque area receives its portion of the available resources, the construction funds are further divided and allocated to the projects in each of the ten agencies.

Within the BIA structure, the Agency Road Engineer contacts each of the tribes within his jurisdiction to determine the projects most needed by each tribal government. Since the socioeconomic needs of one tribe are difficult to weigh against the needs of another tribe, the BIA representatives selecting projects for inclusion in the six-year construction plan can come under considerable political pressure, particularly since there are limited funding in construction projects each year. Additional constraints to achieving a constructed project are often affected by the diverse and many times remote location of projects, the inability to sometimes fund and complete an entire project, and the ability to maintain the new improvement once constructed.

Once a project is funded and designed, construction documents are sent out for bidding by contractors or to the Tribe for 638 contracts. Construction inspection/quality control and administration is normally conducted by BIA Representatives.

Maintenance

The BIA is obligated by CFR 25, Section 170, to maintain the BIA Public Road System to a safe and satisfactory use based on the availability of funds and the road's as-built condition. Road maintenance funds are appropriated by Congress and allocated to the BIA separately from the Highway Trust Funds used for initial construction. Road maintenance funds are used to maintain an optimal level of road maintenance based on the road condition at the least cost. Maintenance involves the preservation and repair of the entire roadway within the right-of-way.

The Agency Road Engineers work with the tribes in establishing the road maintenance priority to determine the type and level of maintenance to be performed within the budgetary constraints.

Maintenance priorities are frequently determined by weather or road conditions necessary to provide the community safe access to and from their facilities. Emergency road conditions have highest priority. Other priorities are determined by surface type and use.

If roadways funded and constructed with Federal Highway Trust Funds (HTF) are not

properly maintained, then future HTF road construction funds can be withheld. This situation might occur if maintenance funding is limited such that adequate repairs and upkeep of the highway are not possible. Or, if proportionately more maintenance funds were spent on one reservation than another, the inability to meet maintenance responsibility equally and adequately could endanger construction project funding.

FUNDING SOURCES

To assist the BIA and tribal government in preparing a consistent and realistic approach to road construction and preservation, an understanding of the funding sources and the potential application of the resources is necessary. Once the funds are identified, knowledge of their distribution method is also beneficial.

Funding for construction and maintenance of the Indian Reservation Road System comes from two separate federal sources. Funding for construction and reconstruction of Indian roads comes from the Highway Trust Funds (HTF). The HTF funds are appropriated by Congress and allocated based on the "Relative Needs" of the reservations as "jointly identified by the Secretary of Transportation and the Secretary of the Interior" (23-OS-202).

The funds for maintenance of the Indian Reservation Road System come from annual appropriations included in the budget for the Bureau of Indian Affairs. These funds are allocated to each Agency office for use on the roads within the Agency jurisdiction. Historically, the BIA has been significantly under-funded for maintenance to a point where the BIA Public Road System has been deteriorating. While the funds allocated for maintenance may be reduced in the budgetary process, the HTF funds in the past have been dedicated only for road construction or reconstruction.

In December 1991, President Bush signed into law the "Intermodal Surface Transportation Efficiency Act of 1991" (ISTEA). This Act incorporates a number of significant changes that will impact the Indian Reservation Road System. First, the Act allows Highway Trust Fund money to be used for seal coats which traditionally have been a maintenance function and not eligible for HTD funding. This will allow the BIA significantly more flexibility in their ability to properly maintain existing paved roadways, since up to 15 percent of the BIA's annual allocation of HTF money can be used for seal coating Indian reservation roads under the jurisdiction of the BIA. However, the seal coating under ISTEA is not intended to take the place of normally funded BIA road maintenance.

Second, the Act establishes a "National Highway System" (NHS). This system will replace the federal aid classification system of Federal Aid Primary and Secondary roads. The intent appears to be to allow more discretion and flexibility at the state level for funding projects. As a result, there will no longer be specific allocations by states to local units of government for FAP and FAS road projects. The impacts of this change are not yet clear. However, in the past, the BIA has either participated in or has planned to do joint projects

on the Federal Aid System roads that serve reservations.

Third, the allocation of HTF money to the BIA has significantly increased. In the past, the Bureau has received from \$70-\$100 million annually for transportation planning and road construction. Beginning with FY '92, the Bureau received \$159 million and will receive \$191 million annually for the following five years. The ability to implement badly needed projects nationwide will be greatly improved through this increase in allocation. Also, 2 percent is allocated to ongoing transportation planning.

Fourth, the BIA will be able to assess "Bridge Replacement and Rehabilitation" funds for substandard bridges. One percent of the funds apportioned to the state can go for replacement of bridges on Indian reservations provided the bridges are on the National List of Deficient Bridges. This should help to augment BIA funding, since in the past few years, the Bureau was not eligible to tap funding from this source. As a result, bridge replacement projects have had to compete with road projects for funding.

A discussion of the various taxing methods used in the state of New Mexico is included in Appendix E. A more detailed explanation of the distribution of funds for both road construction and maintenance also is contained in this appendix.